IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

WP(C).No. 6853 of 2007(N)

PETITIONER:
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1. K.K.MUHAMMED SAGEER,
S/O.KOCHUMOHAMMED,"KADUNGATTUPARAMBIL HOUSE",
M.L.A.ROAD, POONKUNNAM, THRISSUR VILLAGE,
TALUK AND DISTRICT.

2. K.K.NISSAR AHMED,
S/O.KOCHUMOHAMMED, "KADUNGATTUPARAMBIL HOUSE",
ETTUMANA, KARUVANNOOR P.O., OORAKAM VILLAGE,
THRISSUR TALUK AND DISTRICT.

BY ADV. SRI.N.SUBRAMANIAM
SRI.M.S.NARAYANAN
SMT.R.PADMAKUMARI
SRI.T.K.VIPINDAS

RESPONDENTS:
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1. THE DEPUTY SUPERINTENDENT OF POLICE,
KUNNAMKULAM, THRISSUR DISTRICT.

2. THE CIRCLE INSPECTOR OF POLICE,
KUNNAMKULAM POLICE STATION, THRISSUR DISTRICT.

3. THE SUB INSPECTOR OF POLICE,
KUNNAMKULAM POLICE STATION, THRISSUR DISTRICT.

4. MOHANAN P.M., S/O.MAKKPPAN,
PAMBUNGAL HOUSE, KOTTAPPADY P.O.,
POOKODE VILLAGE, CHAVAKKAD TALUK, THRISSUR DT.

5. P.P.VARKEY, S/O.THARAYANCHUKUTTY,
PAYYOOR HOUSE, KOONAMMOCHI P.O. THRISSUR DIST.

ADDL. R 6. THE DISTRICT COLLECTOR, THRISSUR, COLLECTORATE,
AYYANTHOLE, THRISSUR.

ADDL. R 7. THE GEOLOGIST, DEPARTMENT OF MINING AND GEOLOGY,
DISTRICT OFFICE, THRISSUR.

ADDL. R 8. THE CHOONDAL PANCHAYATH, CHOONDAL VILLAGE OFFICE, CHOONDAL, ATHRISSUR REPRESENTED BY ITS SECRETARY.

ADDL. R 9. PELAKKAT PAYYOOR GROUP FARMING SOCIETY, REG.NO. 35/1991, KOONAMMOOCHI, THRISSUR DISTRICT, REPRESENTED BY ITS SECRETARY.

(ADDL. R TO 8 ARE IMPLEADED VIDE ORDER DATED 2.3.2007 IN I.A. NO.3296/2007)

(ADDL. R9 IS IMPLEADED BY ORDER DATED 21.3.2007 IN I.A. NO.3685/2007)

R1 TO 3 AND ADDL.R 6 & 7 BY GP SHRI P.A.SALIM
R4 BY ADVOCATE SHRI R. PADMAKUMAR
ADDL. R8 BY ADV. SRI.P.RAMAKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.6853/2007 - APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1 - TRUE COPY OF DECISIONS TAKEN IN THE MEETING HELD ON 22.1.2007.

EXT.P2 - TRUE COPY OF POSSESSION CERTIFICATE.

EXT.P3 - TRUE COPY OF POSSESSION CERTIFICATE.

EXT.P4 - TRUE COPY OF PERMISSION GRANTED FOR EXTRACTING CLAY.

EXT.P5 - TRUE COPY OF PERMISSION GRANTED FOR EXTRACTING CLAY.

EXT.P6 - TRUE COPY OF REPRESENTATION SUBMITTED TO R 1 ATO 3.

EXT.P7 - TRUE COPY OF ACKNOWLEDGEMENT ISSUED FROM THE OFFICE OF THE 1ST RESPONDENT.

EXT.P8 - TRUE COPY OF JUDGMENT IN W.P.C. NO.6300/2006.

RESPONDENTS' EXHIBITS:

ANNEXURE 1 - TRUE COPY OF COMMUNICATION DATED 28.2.2007 FROM THE PANCHAYAT TO THE DISTRICT COLLECTOR, THRISSUR.

ANNEXURE 2 - TRUE COPY OF LETTER DATED 16.3.2007 ISSUED BY THE RDO, THRISSUR.

(TRUE COPY)

vaa PS TO JUDGE

J.B. KOSHY and T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) No.6853 of 2007 - N

Dated this the 21st day of March, 2007

Judgment

Koshy, J.

This is a petition for police protection. Petitioners wanted police protection for manufacture and sale of clay products on the basis of the sanction received by Exts.P4 and P5 orders. It is submitted by the contesting respondents that about 50 acres of land is going to be excavated and it will create great environmental problems and local people are obstructing it. According to the petitioners, only two acres and 17 cents of property are involved. Whatever may be that, it is submitted that Revenue Divisional Officer has issued a temporary stop memo and has also called for a meeting of all parties concerned. Since there is a prohibitory order by a statutory authority, we are unable to give police protection at present. We direct the Revenue Divisional Officer to complete the proceedings as expeditiously as possible and petitioner is given liberty to approach the police or this court after passing the final order by the Revenue Divisional Officer. Final orders shall be

passed by the R.D.O. as expeditiously as possible, in any event, within three weeks from the date of receipt of a copy of this judgment. Petitioners are free to produce a copy of this order before the RDO for compliance.

Issue copy today itself.

J.B.KOSHY
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

vaa

J.B. KOSHY AND
T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) No.6853/2007 N

Judgment

Dated:21st March, 2007